

1 Thomas J. Nolan (SBN 48413)
2 Emma Bradford (SBN 233256)
3 Nolan, Armstrong & Barton LLP
4 600 University Ave.
5 Palo Alto, CA 94301
6 Tel. (650) 326-2980 Fax (650) 326-9704
7
8 Counsels for Defendant Adriana Stumpo

9
10
11
12
13
14
15
16
17
18

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

19 UNITED STATES,

20 Plaintiff,

21 v.

22 JOSEPH BUDDENBERG;
23 MARYAM KHAJAVI;
24 NATHAN POPE, and
25 ADRIANA STUMPO,

26 Defendants.

27 Case No. CR 09-263 RMW

28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211
212
213
214
215
216
217
218
219
220
221
222
223
224
225
226
227
228
229
230
231
232
233
234
235
236
237
238
239
240
241
242
243
244
245
246
247
248
249
250
251
252
253
254
255
256
257
258
259
260
261
262
263
264
265
266
267
268
269
270
271
272
273
274
275
276
277
278
279
280
281
282
283
284
285
286
287
288
289
290
291
292
293
294
295
296
297
298
299
300
301
302
303
304
305
306
307
308
309
310
311
312
313
314
315
316
317
318
319
320
321
322
323
324
325
326
327
328
329
330
331
332
333
334
335
336
337
338
339
3310
3311
3312
3313
3314
3315
3316
3317
3318
3319
33100
33101
33102
33103
33104
33105
33106
33107
33108
33109
33110
33111
33112
33113
33114
33115
33116
33117
33118
33119
331100
331101
331102
331103
331104
331105
331106
331107
331108
331109
331110
331111
331112
331113
331114
331115
331116
331117
331118
331119
3311100
3311101
3311102
3311103
3311104
3311105
3311106
3311107
3311108
3311109
3311110
3311111
3311112
3311113
3311114
3311115
3311116
3311117
3311118
3311119
33111100
33111101
33111102
33111103
33111104
33111105
33111106
33111107
33111108
33111109
33111110
33111111
33111112
33111113
33111114
33111115
33111116
33111117
33111118
33111119
331111100
331111101
331111102
331111103
331111104
331111105
331111106
331111107
331111108
331111109
331111110
331111111
331111112
331111113
331111114
331111115
331111116
331111117
331111118
331111119
3311111100
3311111101
3311111102
3311111103
3311111104
3311111105
3311111106
3311111107
3311111108
3311111109
3311111110
3311111111
3311111112
3311111113
3311111114
3311111115
3311111116
3311111117
3311111118
3311111119
33111111100
33111111101
33111111102
33111111103
33111111104
33111111105
33111111106
33111111107
33111111108
33111111109
33111111110
33111111111
33111111112
33111111113
33111111114
33111111115
33111111116
33111111117
33111111118
33111111119
331111111100
331111111101
331111111102
331111111103
331111111104
331111111105
331111111106
331111111107
331111111108
331111111109
331111111110
331111111111
331111111112
331111111113
331111111114
331111111115
331111111116
331111111117
331111111118
331111111119
3311111111100
3311111111101
3311111111102
3311111111103
3311111111104
3311111111105
3311111111106
3311111111107
3311111111108
3311111111109
3311111111110
3311111111111
3311111111112
3311111111113
3311111111114
3311111111115
3311111111116
3311111111117
3311111111118
3311111111119
33111111111100
33111111111101
33111111111102
33111111111103
33111111111104
33111111111105
33111111111106
33111111111107
33111111111108
33111111111109
33111111111110
33111111111111
33111111111112
33111111111113
33111111111114
33111111111115
33111111111116
33111111111117
33111111111118
33111111111119
331111111111100
331111111111101
331111111111102
331111111111103
331111111111104
331111111111105
331111111111106
331111111111107
331111111111108
331111111111109
331111111111110
331111111111111
331111111111112
331111111111113
331111111111114
331111111111115
331111111111116
331111111111117
331111111111118
331111111111119
3311111111111100
3311111111111101
3311111111111102
3311111111111103
3311111111111104
3311111111111105
3311111111111106
3311111111111107
3311111111111108
3311111111111109
3311111111111110
3311111111111111
3311111111111112
3311111111111113
3311111111111114
3311111111111115
3311111111111116
3311111111111117
3311111111111118
3311111111111119
33111111111111100
33111111111111101
33111111111111102
33111111111111103
33111111111111104
33111111111111105
33111111111111106
33111111111111107
33111111111111108
33111111111111109
33111111111111110
33111111111111111
33111111111111112
33111111111111113
33111111111111114
33111111111111115
33111111111111116
33111111111111117
33111111111111118
33111111111111119
331111111111111100
331111111111111101
331111111111111102
331111111111111103
331111111111111104
331111111111111105
331111111111111106
331111111111111107
331111111111111108
331111111111111109
331111111111111110
331111111111111111
331111111111111112
331111111111111113
331111111111111114
331111111111111115
331111111111111116
331111111111111117
331111111111111118
331111111111111119
3311111111111111100
3311111111111111101
3311111111111111102
3311111111111111103
3311111111111111104
3311111111111111105
3311111111111111106
3311111111111111107
3311111111111111108
3311111111111111109
3311111111111111110
3311111111111111111
3311111111111111112
3311111111111111113
3311111111111111114
3311111111111111115
3311111111111111116
3311111111111111117
3311111111111111118
3311111111111111119
33111111111111111100
33111111111111111101
33111111111111111102
33111111111111111103
33111111111111111104
33111111111111111105
33111111111111111106
33111111111111111107
33111111111111111108
33111111111111111109
33111111111111111110
33111111111111111111
33111111111111111112
33111111111111111113
33111111111111111114
33111111111111111115
33111111111111111116
33111111111111111117
33111111111111111118
33111111111111111119
331111111111111111100
331111111111111111101
331111111111111111102
331111111111111111103
331111111111111111104
331111111111111111105
331111111111111111106
331111111111111111107
331111111111111111108
331111111111111111109
331111111111111111110
331111111111111111111
331111111111111111112
331111111111111111113
331111111111111111114
331111111111111111115
331111111111111111116
331111111111111111117
331111111111111111118
331111111111111111119
3311111111111111111100
3311111111111111111101
3311111111111111111102
3311111111111111111103
3311111111111111111104
3311111111111111111105
3311111111111111111106
3311111111111111111107
3311111111111111111108
3311111111111111111109
3311111111111111111110
3311111111111111111111
3311111111111111111112
3311111111111111111113
3311111111111111111114
3311111111111111111115
3311111111111111111116
3311111111111111111117
3311111111111111111118
3311111111111111111119
33111111111111111111100
33111111111111111111101
33111111111111111111102
33111111111111111111103
33111111111111111111104
33111111111111111111105
33111111111111111111106
33111111111111111111107
33111111111111111111108
33111111111111111111109
33111111111111111111110
33111111111111111111111
33111111111111111111112
33111111111111111111113
33111111111111111111114
33111111111111111111115
33111111111111111111116
33111111111111111111117
33111111111111111111118
33111111111111111111119
331111111111111111111100
331111111111111111111101
331111111111111111111102
331111111111111111111103
331111111111111111111104
331111111111111111111105
331111111111111111111106
331111111111111111111107
331111111111111111111108
331111111111111111111109
331111111111111111111110
331111111111111111111111
331111111111111111111112
331111111111111111111113
331111111111111111111114
331111111111111111111115
331111111111111111111116
331111111111111111111117
331111111111111111111118
331111111111111111111119
3311111111111111111111100
3311111111111111111111101
3311111111111111111111102
3311111111111111111111103
3311111111111111111111104
3311111111111111111111105
3311111111111111111111106
3311111111111111111111107
3311111111111111111111108
3311111111111111111111109
3311111111111111111111110
3311111111111111111111111
3311111111111111111111112
3311111111111111111111113
3311111111111111111111114
3311111111111111111111115
3311111111111111111111116
3311111111111111111111117
3311111111111111111111118
3311111111111111111111119
33111111111111111111111100
33111111111111111111111101
33111111111111111111111102
33111111111111111111111103
33111111111111111111111104
33111111111111111111111105
33111111111111111111111106
33111111111111111111111107
33111111111111111111111108
33111111111111111111111109
33111111111111111111111110
33111111111111111111111111
33111111111111111111111112
33111111111111111111111113
33111111111111111111111114
33111111111111111111111115
33111111111111111111111116
33111111111111111111111117
33111111111111111111111118
33111111111111111111111119
331111111111111111111111100
331111111111111111111111101
331111111111111111111111102
331111111111111111111111103
331111111111111111111111104
331111111111111111111111105
331111111111111111111111106
331111111111111111111111107
331111111111111111111111108
331111111111111111111111109
331111111111111111111111110
331111111111111111111111111
331111111111111111111111112
331111111111111111111111113
331111111111111111111111114
331111111111111111111111115
331111111111111111111111116
331111111111111111111111117
331111111111111111111111118
331111111111111111111111119
3311111111111111111111111100
3311111111111111111111111101
3311111111111111111111111102
3311111111111111111111111103
3311111111111111111111111104
3311111111111111111111111105
3311111111111111111111111106
3311111111111111111111111107
3311111111111111111111111108
3311111111111111111111111109
3311111111111111111111111110
3311111111111111111111111111
3311111111111111111111111112
3311111111111111111111111113
3311111111111111111111111114
3311111111111111111111111115
3311111111111111111111111116
3311111111111111111111111117
3311111111111111111111111118
3311111111111111111111111119
33111111111111111111111111100
33111111111111111111111111101
33111111111111111111111111102
33111111111111111111111111103
33111111111111111111111111104
33111111111111111111111111105
33111111111111111111111111106
33111111111111111111111111107
33111111111111111111111111108
33111111111111111111111111109
3311111111111111

1 been declared complex. This status conference memorandum is submitted solely on behalf of Ms.
 2 Stumpo and counsel intends to make no representations on behalf of any other defendant.

3 **DISCOVERY**

4 AUSA Becker has been diligently providing discovery as she has received it. At the
 5 present time, we have received 3,030 pages of discovery. The last 250 pages of discovery was
 6 received by our office on March 12, 2010. Our office has been entering the discovery into a
 7 database for review. We have provided and will continue to provide the database to the other
 8 defendants and their counsel.

9 Some of the difficulties regarding the discovery have to do with the fact that numerous
 10 activities were documented by local police departments over a period of years and those reports
 11 have been, in many instances, given to the federal authorities. In many instances, however, the
 12 reports are being discovered as we proceed in the case. We have located approximately 150 or
 13 more individual case numbers possibly relevant to this case. In each of those case numbers, there
 14 are references to photographs, tapes, videos, or other items of evidence or potential evidence that
 15 we are in the process of either documenting that we have been provided, or making arrangements
 16 with the government to obtain. My office has reviewed each page of discovery and prepared a
 17 lengthy letter to the prosecutor which will hopefully be completed by April 5, 2010, asking for
 18 either unredacted copies of discovery and/or those items that are referenced in the discovery we
 19 have already received.

20 We have had no difficulty with the government in expeditiously proceeding with obtaining
 21 the discovery. We will continue to work ensure that we have the discovery necessary. To date, no
 22 motions regarding discovery have needed to be filed.

23 **MOTIONS**

24 Ms. Stumpo has previously filed a motion to dismiss the Indictment on the grounds that the
 25 statute is unconstitutional on its face and the Court has ruled on that motion. Ms Stumpo is
 26 anticipating filing a motion to dismiss the Indictment on the grounds that the statute is
 27 unconstitutional as applied to her. In anticipation of that motion and in anticipation of preparing

1 for trial, counsel for Ms. Stumpo prepared a motion for a bill of particulars. Before filing that
 2 motion, however, counsel for Ms. Stumpo made an informal request to the prosecutor for specific
 3 information as a prerequisite to filing a motion for a bill of particulars. AUSA Becker has notified
 4 counsel that she intends to file a bill of particulars no later than April 9, 2010.

5 In light of that assurance by AUSA Becker, Ms. Stumpo has delayed filing a motion for a
 6 bill of particulars until after April 9, 2010, to determine whether that motion may still prove
 7 necessary. Ms. Stumpo has additionally not yet filed the motion to dismiss the Indictment on the
 8 grounds that the statute is unconstitutional as applied to her, as a review of the government's bill
 9 of particulars and determination of other pretrial motions may be necessary before doing so.

10 As such, Ms. Stumpo simply wishes to alert the Court to motions which may be
 11 forthcoming, but for which the filing of such motions is not yet appropriate.

12 **ADDITIONAL MOTIONS**

13 There are however, certain additional motions which counsel for Ms. Stumpo believes may
 14 be ready to be addressed. Ms. Stumpo is preparing two motions to suppress evidence based upon
 15 a state search warrant and a federal search which were issued in this case. Those motions will be
 16 ready to be filed approximately three weeks after April 9, 2010. At the present time, it appears
 17 that both of Ms. Stumpo's suppression motions will be based on the affidavits in support of the
 18 search warrants and will not require an evidentiary hearing.

19 It is anticipated that prior to April 5, 2010, counsel for Ms. Stumpo will discuss with the
 20 prosecutor, who is presently out of the country, an appropriate briefing schedule, hopefully
 21 agreeable to the court.

22 In addition to the suppression motions, there are significant issues that both the prosecution
 23 and Ms. Stumpo would like to see resolved as early as possible before trial. There are issues
 24 regarding the admissibility of evidence, jury instructions, and the nature of the mental states which
 25 the government may be required to prove. Before counsel can determine how many, if any, of
 26 those pre-trial motions need to be filed, we must review the bill of particulars, in that the bill of
 27 particulars may resolve some of those issues, without the necessity of a formal motion.

1 If the issues are not resolved by the bill of particulars, however, Ms. Stumpo will be ready
2 within three weeks of receiving the bill of particulars, to file those pre-trial motions. I believe that
3 the prosecutor also wishes these issues to be resolved. Moreover, due to the fact that this is the
4 first implementation of this statute that we are aware of, I believe it is important to try to resolve
5 these matters at an early stage in the proceedings.

6 Counsel for the co-defendants may have other motions to dismiss or motions for other
7 relief, however, at the present time, Ms. Stumpo is not aware of any motions that she may have to
8 file in this matter, other than what has been stated in this memorandum.

9

10 Date: April 1, 2010

Respectfully submitted,

11 /s/

12

13

Thomas J. Nolan
Emma Bradford
Nolan, Armstrong & Barton, LLP
Attorneys for Defendant Adriana Stumpo

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28 STATUS CONFERENCE MEMORANDUM
United States v. Buddenberg, CR 09-263 RMW

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
